

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COOKEVILLE DIVISION**

LARRY BRANNUM and NECOLE )  
BRANNUM, as next friend and )  
guardians for CHELSEY BRANNUM, )  
et al., )

Plaintiffs, )

v. )

NO. 2:03-0065  
JUDGE HAYNES

OVERTON COUNTY SCHOOL BOARD, )  
WILLIAM NEEDHAM, ROBERT )  
JOLLY, MELINDA BEATY, )  
EDUTECH, INC., JERRY GLASSCOCK, )  
DAVID LANGFORD, DOLPHUS DIAL, )  
JOEY SMITH, LENARD LEDBETTER, )  
EDITH KEY, DONALD BROWN, )  
MELODY WILLIAMS, TIM COFFEE, )  
MICHELLE THRASHER, JOHN DOES )  
1-10, and JOHN DOES 11-20, )

Defendants. )

**ORDER**

In accordance with the Memorandum filed herewith, its is hereby **ORDERED** on the motions before the Court: that

- (1) that the Defendant Edutech, Inc.'s motion for summary judgment on Plaintiffs' § 1983 claim for its lack of state action status (Docket Entry No. 77) is **DENIED**;
- (2) that the Defendant Edutech, Inc.'s motion for summary judgment on Plaintiffs' state law claims is **DENIED without prejudice** (Docket Entry No. 86);
- (3) that Defendants Michelle Williams Thrasher, Lenard Ledbetter and Dolphus Dial's motion for summary judgment on all claims (Docket Entry No. 92) is **GRANTED** and Plaintiffs' federal law claims are **DISMISSED with prejudice**;
- (4) that the Overton County Defendants' motion for summary judgment on all claims (Docket Entry No. 94) is **DENIED**;

(5) that the Plaintiffs' cross motion for partial summary judgment on Edutech's § 1983 claim (Docket Entry No. 99) is **DENIED**; and


(6) that the Overton County Defendants' motion for the Court to abstain from exercising its jurisdiction. (Docket Entry No. 105) is **DENIED**.

The Plaintiffs' state law claims against all Defendants are **DISMISSED without prejudice** to pursue in the pending state court action.

Counsel for the parties have ten (10) days from the date of entry of this Order to submit an Agreed Order for a conference to discuss further proceedings in this action.

It is so **ORDERED**.

**ENTERED** this the 20<sup>th</sup> day of June, 2006.

  
WILLIAM J. HAYNES, JR.  
United States District Judge